

UNITED STATES BANKRUPTCY COURT
for the
NORTHERN DISTRICT OF CALIFORNIA

FEDERAL COURTHOUSE
280 SOUTH FIRST STREET, ROOM 3035
SAN JOSE, CALIFORNIA 95113-3099

James R. Grube
535-5122
United States Bankruptcy Judge

Phone (408)

Chapter 13 Relief From Stay - Telephonic Preliminary Hearings
As of January 17, 2002

Procedure For Obtaining A Telephonic Preliminary Hearing On Motions For Relief From Stay

Debtors Represented by Counsel

1. The San Jose Division will now permit counsel to utilize an Open Calendar Procedure for the scheduling of certain matters.

Procedures for each judge and their respective calendars are provided on the court's web site (www.canb.uscourts.gov)

under the **Division Procedures** link, **San Jose Division, Calendar Procedures for San Jose Division**.

In order to utilize the Open Calendar Procedure, counsel should select an available date and time as shown on the appropriate attached list for the judge assigned the main case. The date selected must be no earlier than as required by applicable national or local rules, as nothing in this Open Calendar Procedure alters applicable time limits.

2. Movant serves the debtor, debtor's counsel and any other party entitled to notice by:

- a. Inserting the pertinent information regarding the date, time and location of the hearing in the blanks on the enclosed *Order Setting Telephonic Hearing For Relief From The Automatic Stay*.
- b. Mailing the completed *Order* and copies of the pleadings via first-class U.S. Mail.
- c. Filing a proof of service with the Court before the hearing.

3. Movant and the debtor's counsel comply with the requirements for telephonic appearances as provided in the *Order*.

4. Please note that the *Order* has been pre-signed by Judge Grube and is effective as soon as the Movant selects a hearing date from the list of available dates as listed in the Open Calendar Procedures posted on the court's Internet web site, fills in the blanks on the *Order* and serves the *Order* upon the debtor.

COPY the enclosed *Order* for your form file and USE it in all future relief from stay motions.

DO NOT prepare a new order on your work processor.

DO NOT submit the *Order* (or any order setting the Preliminary Hearing) for signature by the Court.

Pro Se Debtors

1. Do not use the telephonic procedure. Set the motion on the Court's 10:30 a.m. calendar.
2. Movant may appear telephonically using the Court's normal telephone reservation system.